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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re United States Patent Application of:)	Docket No.:	4240-134
Applicants:)	Conf. No.:	5032
Application No.:)	Art Unit:	1648
Date Filed:)	Examiner:	Benjamin P. Blumel
Title:)	Customer No.:	
CELL SURFACE)		
EXPRESSION VECTOR OF)		
SARS VIRUS ANTIGEN AND)		
MICROORGANISMS)		
TRANSFORMED THEREBY)		

23448

FACSIMILE TRANSMISSION CERTIFICATE

ATTN: Examiner Benjamin P. Blumel

Fax No. (571) 273-8300

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Number of Pages

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September 24, 2007

Date

**RESPONSE TO AUGUST 22, 2007 RESTRICTION REQUIREMENT IN
U.S. PATENT APPLICATION NO. 10/559,631**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

SEP 24 2007

4240-134

Sir:

This responds to the August 22, 2007 office action in the above-identified application, U.S. Patent Application No. 10/559,631.

The time for responding to the August 22, 2007 office action without extension was set at one month, or September 22, 2007. As September 22, 2007 fell on a Saturday, such deadline is automatically extended to Monday, September 24, 2007 through the operation of 37 CFR 1.6. Therefore this restriction requirement is timely filed and no additional fees are necessary.

In the August 22, 2007 office action, the examiner has stated the following species lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1. The species according to the examiner are as follows:

- A. A specific "pgs" gene as stated in claim 1.
- B. A specific antigen protein as stated in claims 1, 9 and 15.
 - i. If applicants elect spike antigen, an additional election of a specific spike antigen is also required as stated in claim 2.
 - ii. If applicants elect nucleoprotein, an additional election of a specific nucleoprotein is also required as stated in claim 3.
- C. A specific microorganism as stated in claim 7.

The examiner has required a species election of (A) a "specific 'pgs' gene" in claim 1, (B) "a specific antigen protein" in claims 1, 9, and 15, as well as a subspecies of a specific antigen protein in claim 2 or claim 3, and finally (C) "a specific microorganism" in claim 7.

Applicants hereby elect, with *traverse*,

(A) pgsA in claim 1,

(B) spike antigen protein in claims 1, 8, 9, 15, and SARS SC in claim 2, and

(C) lactic acid bacterium in claim 7.